

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA,)
)
)
v.) 1:11-cr-98-CLC-CHS
)
)
KELLIE ANN FORGEY)

MEMORANDUM AND ORDER

KELLIE ANN FORGEY (“Defendant”) appeared for a hearing on October 31, 2018, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for a Warrant or Summons for an Offender Under Supervision (“Petition”).

Defendant was placed under oath and informed of her constitutional rights. It was determined that Defendant wished to be represented by an attorney and she qualified for appointed counsel. Federal Defender Services of Eastern Tennessee was appointed to represent Defendant. It was also determined that Defendant had been provided with and reviewed with counsel a copy of the Petition.

The Government moved that Defendant be detained without bail pending her revocation hearing before U.S. District Judge Collier. Defendant waived her right to a preliminary hearing but requested a detention hearing, which was held. U.S. Probation Officer Kimberly Williams testified regarding the factual allegations set forth in the Petition and related matters. Defendant and the government both made proffers regarding the Petition and related matters. Both parties presented their respective arguments, which were fully considered by the Court.

Based upon the Petition and Defendant’s waiver of a preliminary hearing, the Court finds there is probable cause to believe Defendant has committed violations of her conditions of supervised release as alleged in the Petition.

As addressed in greater detail during the detention hearing, and pursuant to Fed. R. Crim. P. 32.1(a)(6), the Court further finds Defendant has not carried her burden to establish by clear and convincing evidence that she will not pose a danger to any other person or to the community if released.

Accordingly, it is **ORDERED** that:

(1) Defendant shall appear for a revocation hearing before U.S. District Judge Collier.

(2) The Government's motion that Defendant be **DETAINED WITHOUT BAIL** pending her revocation hearing before Judge Collier is **GRANTED**.

(3) The U.S. Marshal shall transport Defendant to a revocation hearing set **before District Judge Collier at 2:00 p.m. on Wednesday, November 28, 2018**.

SO ORDERED.

ENTER.

s/ Susan K. Lee

SUSAN K. LEE

UNITED STATES MAGISTRATE JUDGE